

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DEBBY MENDEZ,

Plaintiff,

v.

AMERICAN GENERAL LIFE
INSURANCE COMPANY,

Defendant.

:
:
: Civil Action No. 09-cv-01155
:
: **NOTICE OF MOTION BY**
: **DEFENDANT FOR SUMMARY**
: **JUDGMENT DISMISSING THE**
: **COMPLAINT AND FOR ENTRY**
: **OF JUDGMENT ON ITS**
: **COUNTERCLAIMS**
:
: **FILED ELECTRONICALLY**

TO: Francis X. Garrity, Esq.
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Attorneys for Plaintiff

COUNSEL:

PLEASE TAKE NOTICE that, pursuant to the Order of the Honorable Mark Falk, U.S.M.J., rendered during the parties' January 19, 2010 telephone conference with the Court, the undersigned attorneys for defendant American General Life Insurance Company. ("American General" or "defendant"), will move, on a date

to be selected by the Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure, before this Honorable Court, at the Dr. Martin Luther King, Jr. Federal Building & Courthouse, 50 Walnut Street, Newark, New Jersey, for an order granting defendant American General summary judgment, dismissing the Complaint, and for entry of judgment on its counterclaims.

PLEASE TAKE FURTHER NOTICE that, in support of this motion, defendant relies upon the Brief submitted, the Certification of Michael Sepanski, Certification of Kevin C. Donovan, Defendant's Statement of Undisputed Material Facts, each served herewith, and all the pleadings previously filed in this matter.

A proposed form of Order is enclosed with this motion, and oral argument is requested on the return date, when set.

Pursuant to the Order of Judge Falk, this Notice of Motion and supporting papers is being served, but not filed, on March 2, 2010.

**WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER
LLP**

Attorneys for Defendant American General Life Insurance
Company.

By: 
KEVIN C. DONOVAN, ESQ.

Dated: March 2, 2010